

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-4458



August 25, 1978

FSD LETTER NO. 78-22

ALL-COUNTY LETTER NO. 78-36

TO: ALL COUNTY WELFARE DIRECTORS
ALL TITLE IV-D AGENCIES
ALL DISTRICT ATTORNEYS

SUBJECT: REGULATIONS RECENTLY FILED WITH THE SECRETARY OF STATE

REFERENCE: Sections 40-107.1, 40-131.3L and 43-107.1

Attached for your information is an advance copy of regulations recently signed by the Director and filed with Secretary of State on August 23, 1978. These regulations are effective September 1, 1978. Since these regulations were filed on an emergency basis, they will be taken to public hearing within 120 days in accordance with Government Code Section 11422.1(a). Manual pages incorporating these changes will be issued in the near future.

These regulations require that applicants and recipients be provided with written notice of their right to claim good cause as a part of the child support cooperation requirements. Existing regulations require that the County Welfare Departments make an independent verification of any allegation of noncooperation.

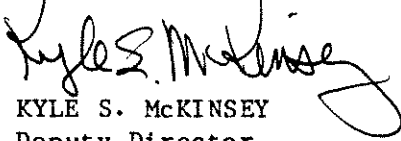
Also attached is a copy of the Temp 1237, Notice of Right to Claim Good Cause. The Temp 1237 is a required form and must be provided to applicants and recipients as a supplement to the CA 2 instruction page sections dealing with child support and fair hearing information. The notice has been worded in a way that can be understood by applicants and recipients. The language of the notice does not constitute a change in regulatory language regarding the circumstances under which good cause may exist as stated in EAS 43-107.3.

Advance copies of the form are being sent to you under separate cover. Regular supplies of the form will be available by September 11, 1978. You will be informed of their availability via the GEN 127 procedure.

If you have any questions regarding the regulations or form, please contact your AFDC management consultant at (916) 445-4458.

If you have any questions regarding the impact of these regulations on the child support program, please contact your county consultant in the Child Support Operations Bureau at (916) 322-6384.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle S. McKinsey", with a large, stylized flourish at the end.

KYLE S. McKINSEY
Deputy Director

Attachment

cc: CWDA

SJ:km

PAGE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

RECEIVED FOR FILING

AUG 23 1978

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
GOV. CODE SECTION 11180.1

AUG 23 1978

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Social Services

(Agency)

Dated: August 15, 1978

By: *Marion Wood*

Director

(Title)

ENDORSED FILED
IN THE OFFICE OF

AUG 23 2 40 PM 1978

MARCH FONG EU
SECRETARY OF STATE
OF CALIFORNIA

DO NOT WRITE IN THIS SPACE

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 40-107.1
40-131.3L
43-107.1

These regulations are intended to implement, interpret and make specific the provisions of Welfare and Institutions Code Section 11477(b).

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. These regulations will implement an amendment to 45 CFR 232.13(b) which became effective on March 17, 1978.
2. Section 11477(b) of the Welfare and Institutions Code requires that the Department of Social Services' regulations conform to federal laws. Since the aforementioned amendment to federal regulations is currently in effect it is essential that the Department of Social Services' regulations be changed immediately in order to conform.
3. In order to ensure that requirements and procedures are implemented in accordance with Federal regulations, to properly notify applicants/recipients of their right to refuse to cooperate, it is necessary for these regulations to be effective immediately.
4. Adoption of these regulations is necessary for the immediate preservation of the peace, health and safety or general welfare.

Therefore, the regulation changes set forth herein are adopted as emergency measures to be effective September 1, 1978, after filing with the Secretary of State.

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**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-107 COUNTY RESPONSIBILITY

40-107

AFDC
APSB

.1 Assisting the Applicant

The county is responsible for assisting applicants or recipients in understanding their rights and responsibilities in relation to application for aid; for evaluating the capacity of the applicants or recipients to discharge their responsibilities as set forth in Section 40-105; for assisting them as needed in establishing their eligibility and helping them to realize the maximum personal independence of which they are capable, including self-care and self-maintenance.

AFDC

.11 The applicant shall be informed at the time of application that the law requires as conditions of eligibility: cooperation in establishing paternity and securing support rights (Section 43-201), assignment of accrued support rights (Section 43-106), and furnishing a SSN (Section 40-105).

.111 The county shall notify the applicant or recipient by means
of the prescribed form of the right to claim good cause as
an exception to the cooperation requirements.

.12 All _____ forms pertaining to .11 and .111 above shall be
available for the applicant to complete at the initial interview
when the CA 2.1 is completed, but need not be completed prior to
granting emergency aid. (See Section 43-107.21)

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Continued

1. The responsibility of a parent to support his or her children and the right of the parent or caretaker relative living with the child for whom aid is requested to claim good cause for not cooperating as required in Section 43-107. The law requires as conditions of eligibility:

- (1) the assignment of accrued support rights for himself or herself and for all children for whom aid is received, and that the receipt of public assistance operates as an automatic assignment _____ unless there is a written refusal to assign such rights; and
- (2) cooperation in the identification and location of the absent parent, establishment of paternity, and enforcement of the support obligation.

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**FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

43-107 COOPERATION REQUIREMENTS

43-107

AFDC

- .1 Each applicant for or recipient of AFDC is required to cooperate with the county welfare department and the District Attorney in:
- .11 Identifying and locating the parent(s) of a child for whom aid is requested, or who is a member of the FBU;
 - .12 Establishing paternity of a child for whom aid is requested or who is a member of the FBU;
 - .13 Obtaining support payments for himself or herself and for a child for whom aid is requested or who is a member of the FBU.

The county shall notify the applicant or recipient by means of the
prescribed form of the right to claim good cause as an exception to the
cooperation requirements.

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There are no state mandated local costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation merely affirms for the State that which has been declared existing law or regulation through action by the Federal government.

Approved:



MARION J. WOODS, Director
Department of Social Services

DO NOT WRITE IN THIS SPACE

NOTICE OF RIGHT TO CLAIM GOOD CAUSE

If you believe that cooperating would be against the best interest of your child(ren), you have the right to claim GOOD CAUSE. You may claim GOOD CAUSE if you believe:

- (A) Physical harm to you or your child(ren) is likely to happen if cooperation is required.
- (B) The birth of the child resulted from incest or rape and telling that would be against the best interest of the child.
- (C) The child is being considered for adoption and is not living with a parent.
- (D) Cooperation would harm your child(ren) for any other reason or would harm you so that you could not care for your child(ren).

If you claim GOOD CAUSE you must provide sufficient evidence and/or information to enable the county to make a GOOD CAUSE determination. If you need help the county will give it to you. If the county determines that you have GOOD CAUSE you don't have to give any further information about the absent parent.

If the county determines you don't have GOOD CAUSE you may have a fair hearing. If you lose the hearing and still won't cooperate, you will be removed from the grant but your children will receive aid.

TEMP 1237 (8/78)

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